

**AMENDMENTS TO THE DRAWINGS:**

Please find accompanying this response a replacement sheet for Fig. 1 wherein amendments explained in the Remarks presented below are effected.

**REMARKS**

Claims 13-18 and 20-29 are now pending in this application. Claims 1-21 are rejected. Claims 1-12 and 19 are cancelled herein. New claims 22-29 are added. Claims 13, 15-18, 20 and 21 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

The abstract is objected to on the basis that it includes legal terms such as “said.” A replacement abstract is provided herein on a separate page. It is submitted that the replacement abstract is in full conformance with 37 CFR 1.72 and MPEP 608.01(b). Therefore, reconsideration of the objection to the abstract is respectfully requested.

The disclosure is objected to for not having a Brief Description of the Drawings section. The specification is amended to correct this noted informality. Reconsideration of the objection to the specification and withdrawal thereof are respectfully requested.

A replacement sheet is attached hereto, containing the figure previously unlabeled with a figure number, is now correctly identified as Fig. 1.

Claim 14 is rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification. Applicants herein respectfully traverse this rejection. The above cited Office Action alleges that the “claim addressing the cultivation of wild yeast through a natural inoculation from ambient air is not enabling.”

The determination of enablement turns on whether the specification contains a sufficient disclosure to enable one skilled in the art to practice the invention without the exercise of undue experimentation. What constitutes undue experimentation is determined using a standard of reasonableness. Factors to be considered include the quantity of experimentation necessary, the amount of direction or guidance presented, the existence of working examples, the state of the prior art, the nature of the invention, the predictability of the art and the breadth of the claims. *Ex parte Forman*, 203 U.S.P.Q. 546 (BPAI 1986).

Applicants respectfully submit that one skilled in the relevant art would readily be able to implement the present invention without undue experimentation based on a reading of the specification as filed. This is exemplified by a printout of a Web page which describes how to make a “yeast starter” using wild captured yeast. The process is described in simple and straightforward terms, and allows the presently claimed invention of claim 14 to be practiced easily, without the need for undue experimentation. Therefore, reconsideration of the rejection of claim 14 is earnestly solicited.

Claims 3, 7, 8, 14-17 and 19-20 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. Claims 3, 7, 8 and 19 are cancelled, rendering their rejections moot. Remaining claims 14-17 and 20 are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 14-17 and 20 and their allowance are earnestly requested.

Claims 1, 3, 5-7, 9, 11, 13, 19 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Schou et al. (EP 0 152 943). Applicants herein respectfully traverse these rejections. Claims 1, 4, 5, 8, 9, 11, 13, 19 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Despre et al. (EP 0 948 904). Claims 1, 7, 9, 11, 13 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wolt et al. (US 5,433,966). Claims 1-12 and 19 are cancelled herein, rendering the rejections of claims 1, 3-9, 11 and 19 moot. Applicants herein respectfully traverse this rejection as pertaining to remaining claims 13 and 21.

Applicants note that amended claim 13 contains subject matter of former claims 17. As the current Office Action makes no novelty rejections against claim 17, applicants respectfully submit that independent claim 13, as amended avoids anticipation under each of the above cited prior art references.

In view of the above, it is respectfully submitted that claims 13 and 21 particularly describe and distinctly claim elements not disclosed in the cited

reference. Therefore, reconsideration of the rejections of claims 13 and 21 and their allowance are respectfully requested.

Claims 2, 10, 12 and 14-18 are rejected as obvious over Despre et al. (Hereinafter R2) in view of Groenendaal (US 5,716,654, hereinafter R4) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Before discussing these art rejections in detail below, applicants wish to note for background that the current invention deals with the “sponge” or “pre-dough” method of producing bread, while R2 and R4 do not. The traditional method to produce bread is the “indirect” way, which means a sponge (or liquid brew) is made, fermented and added to the main dough (“sponge and dough method”). In the 1960's, the bakery industry switched generally to the “direct” way of producing bread, which means that all ingredients plus bread improvers are mixed together to the main dough.

The Examiner argues (see paragraph 32 on page 8 of the Office Action) that “...yeast is known to be a mesophilic organism and cooling the dough to temperatures below 10C as presently claimed will definitely prevent the activity of yeast in fermenting the dough. However, if fermentation is carried out at temperatures below 10C, as presently claimed, the activity of yeast will be

minimal”. The Examiner’s statement recognizes that fermentation at higher temperatures is well known, while fermentation at low temperatures hardly exists and is certainly not meaningful. Thus, the Examiner, by this statement, is in fact confirming that R2 and R4 are teaching away from the invention. Indeed, neither R2 nor R4 teach a pre-dough concentrate, and neither teaches a controlled cooling procedure.

An important aspect of the current invention, directed to manufacturing of a pre-dough concentrate, concerns the controlled fermentation of the “sponge” (pre-dough) that is shelf stable under chilled conditions. Generally, the use of a sponge improves flavor and shelf-life of a baked product. The pre-dough concentrate according to the current invention develops flavor precursors and flavors due to the long fermentation time at low temperatures, and also improves the shelf-life of the baked product. In this respect, long fermentation time at low temperatures of the pre-dough concentrate is considered a significant feature of the current invention, and distinguishing over the proffered combination of references.

The pre-dough has to be mixed into a dough using a dough recipe, i.e., mixing the pre-dough with flour, water, salt and yeast. Thus, a baked product with a strong flavor and an increased shelf-life is obtained.

Applicants provide the following additional comments on R2 and R4 and the known method to produce bread:

R2: "Process for preparing functional flour by hydrothermically treating the flour, drying the process flour and grinding it to obtain a functional flour." The functional flour is used for the production of bread. R2 therefore discloses a process to produce a pre-gelatinized flour. The addition of 5% pre-gelatinized flour to the normal flour results in a higher water absorption. The product of R2 is therefore a thickening agent.

R4: "Dry yeast compositions and processes for preparing the same." This document concerns dry granular yeast compositions containing a bread-improving agent (enzymes, ascorbic acid) as a coating. The product is applied as a bread improver in bakery products. R4 therefore discloses a combination of yeast and bread improver that is applied in a main dough, resulting in higher volume and finer crumb.

R2 and R4, however, are neither a pre-dough concentrate, nor are they used as such. Neither results in flavor and shelf-life improvement of a baked product, nor do they require, or disclose or suggest in any manner, a controlled cooling process, as claimed.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2, 10, 12 and 14-18 and their allowance are respectfully requested.

Dependent claims 22-29 are added and are submitted as patentable over the cited art of record based on the subject matter cited therein in addition to the subject matter of their respective base claims.

Applicants respectfully request a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$130 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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enc: Replacement sheet containing Fig. 1; and Printout from the Internet entitled "How to Make a Yeast Starter."





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## HOW TO

## How to Make a Yeast Starter



Contributor

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eHow Contributing Writer

Article Rating: ★★☆☆☆ (3 Ratings)

The secret of making genuine, bakery quality sourdough bread at home is to cultivate your own wild yeast starter. Authentic sourdough breads are made without commercial yeast and rely essentially on wild yeasts that exist in the air all around us. Dried wild yeast starters can be purchased online, but you can capture your own for free simply by exposing a combination of flour and water to open air. Once you've captured the yeast, your new starter—given the right conditions—will grow and thrive. Many kinds of ingredients, including yogurt, potatoes, apples, grapes, molasses, honey, milk and even cornmeal porridge, can be used in starters to create a variety of flavors and textures. The following method uses a basic formula of flour and water and is a great starting point for novice and experienced bread bakers alike. With proper care and maintenance, a single batch of homemade wild yeast starter will provide you with loaf after loaf of delightful, tangy sourdough bread for many years to come.

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## Instructions

Difficulty: Moderately Challenging

Step

1

Begin day one. Mix the 8 oz. of unbleached organic bread flour and 8 oz. of organic dark rye flour together with the 16 oz. of filtered water in a medium-size bowl until well incorporated. Stir mixture vigorously to beat in additional air. Next, cover top of bowl with cheesecloth or fine mesh cloth. Set bowl near an open window (or, preferably, outdoors) although wild yeast can be captured inside as well.

Step

2

Begin day three. Check to see if bubbles are appearing on the surface of the starter. If they are, congratulate yourself—you've captured a wild yeast! Next, add 8 oz. of bread flour and 8 oz. of filtered water to the culture and stir vigorously. Cover again. Bring starter indoors and place on counter. If room temperature is above 65 degrees F, refrigerate.

Step

3

Begin day seven. Begin feeding your starter with 4 oz. of bread flour and 4 oz. of

## Things You'll Need:

- 8 oz. unbleached organic bread flour
- 8 oz. organic dark rye flour
- 16 oz. filtered water, at room temperature
- Medium ceramic or plastic bowl
- Cheesecloth or another fine mesh cloth
- Wide-mouth canning jars
- 8 oz. unbleached organic bread flour
- 8 oz. filtered water, at room temperature

Knife

How to Hand Sharpen a Knife  
With a Butcher's Steel

filtered water three times throughout the day. By now, your starter should have doubled or even tripled in size and be bubbly with a thick, soupy consistency. Pour into canning jars and refrigerate.

Step

4

Begin day eight. The starter is now ready to be used to make bread. To reactivate the refrigerated starter, bring it to room temperature and give it three daily feedings one day prior to baking.

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## Tips & Warnings

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Don't be put off by the strong sour smell of your starter--it's supposed to smell that way!

Always keep your sourdough starter refrigerated when not being used.

Do not freeze your starter, as some wild yeasts will not survive freezing and thawing

Never add commercial yeasts to your starter, as they can destroy wild yeasts

Don't add leftover bread dough to your starter as it may contain salt and other ingredients that may inhibit wild yeast growth

Keep container tightly sealed to prevent bacteria and odors from spoiling your starter

If you want to save your starter but are not planning to bake bread for a while, you can keep it refrigerated for up to two months in an airtight container. When ready to use again, discard all but one cup of starter and build up from there.

It's normal for a starter to develop a brownish liquid on top if kept in the refrigerator for long periods. This so-called "hooch" is part of the fermentation process and can be poured out or mixed in to the starter. However, if your starter forms mold or develops an unpleasant odor, discard immediately and start over again.

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## Resources

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- Sourdough Rye Bread Recipe

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